



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

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Appln. Serial No.: 10/049,783

Group Art Unit: 1651

Filing Date: May 28, 2002

Examiner: Afremova, Vera

Applicants: Fraser et al

Attorney Docket No.: 78104.037

Title: **STIMULATION OF SPERM FUNCTION**

RESTRICTION RESPONSE

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BOX FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JUN 26 2003

TECH CENTER 1600/2900

To the Commissioner:

In response to the restriction requirement dated April 17, 2003, the time period for response thereto being set to expire June 17, 2003, by virtue of the Petition for One-Month Extension of Time filed herewith, Applicants provisionally elect, with traverse, Group I, Claims 1 and 34-57.

REMARKS

Applicants provisionally elect Group I, claims 1 and 34-57, with traverse.

Even in the national phase of a PCT application, restriction is proper only if the restricted claims are independent or patentably distinct and there is no serious burden placed on the Examiner if restriction is not required (MPEP §803). The burden is on the Office to provide reasons and/or examples to support any conclusion of patentable distinctness between the restricted claims (MPEP §803). Applicant respectfully traverses the restriction requirement on the grounds that the Office has not carried the burden of providing any reason and/or example to support the conclusion that the claims of the